

REQUEST FOR COUNCIL ACTION

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-1
ITEM DESCRIPTION: Land Subdivision Permit (Preliminary Plat) #03-10 to be known as Badger Village Townhomes by Circle 22 Investors, LLC. The Applicant is proposing to re-subdivide Lots 1 & 2, Block 2 Badger Ridge Fourth Subdivision into 37 lots for single family attached dwellings. The Plat also proposes to dedicate one new public roadway. The property is located west of Superior Drive NW, east of Kenosha Drive NW and north of Monroe Drive NW.		PREPARED BY: Brent Svenby, Planner

April 9, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on March 26, 2003 to consider this preliminary plat to allow for a single family residential development.

The applicant's representative, Scott Lacey, stated that the applicant agreed with staff's recommended conditions as revised.

The Planning Commission found that this preliminary plat conforms to the criteria listed in the Land Development Manual and recommends approval of this preliminary plat with the following modifications or conditions:

1. *The cul-de-sac associated with this plan is indicated as less than 96 feet in diameter and shall be posted "No Parking" along the cul-de-sac.*
2. *The plat shall be labeled as Block 1 instead of Block 2.*

Mr. Haeussinger moved to recommend approval of Preliminary Plat #03-10 to be known as Badger Village Townhomes by Circle 22 Investors, LLC with staff-recommended conditions (as revised). Mr. Staver seconded the motion. The motion carried 6-0 with Ms. Wiesner abstaining.

Council Action Needed:

- 1) The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in Paragraph 61.225 can be made.

Attachment:

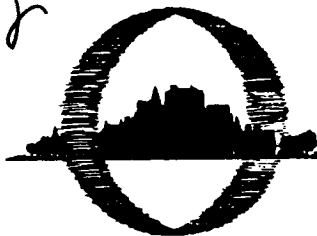
1. Staff Report dated March 19, 2003
2. Minutes of the March 26, 2003 CPZC Meeting

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, April 21, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
5. Yaggy Colby Associates

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

274



ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF
Olmsted



TO: City Planning and Zoning Commission

FROM: Brent Svenby, Planner

DATE: March 19, 2003

RE: Type III, Phase II, Land Subdivision Permit #03-10 (Preliminary Plat) to be known as Badger Village Townhomes

Planning Department Review:

Applicant/Owner: Circle 22 Investors, LLC
400 South Broadway #100
Rochester, MN 55904

Surveyors/Engineers: Yaggy Colby Associates
717 3rd Avenue SE
Rochester, MN 55904

Referral Comments: RPU Water Division
RPU Operations Division
Park and Rec. Dept.
Planning Dept. – Wetlands
Building and Safety Dept.
Rochester Public Works Dept.
Fire Department
MnDOT

Report Attachments:

1. Land Development Manual Excerpts
2. Referral Comments (5 letters)
3. Location Map
4. Copy of GDP
5. Copy of Preliminary Plat

Development Review:

Location of Property: The property is located along the west side of Superior Drive NW, east of Kenosha Drive NW and north of Monroe Drive NW.

Zoning: The property is zoned R-3 (Medium Density Residential) in the City of Rochester.

Proposed Development: This development consists of re-subdividing Lots 1 & 2, Block 2 Badger Ridge Fourth Subdivision into 36 lots for single family attached dwellings and one lot for common space. The final plat documents have not yet been recorded for Badger Ridge Fourth Subdivision.



275

Prior to the recording of the documents for this plat, Badger Ridge 4th will need to be recorded.

Streets:

This plat dedicates right-of-way for one new public roadway. This roadway called Appleton Lane NW is a cul-de-sac extending southerly from 31st Street NW. The roadway is designed with a 29' wide surface with a 50' right-of-way width.

Sidewalks:

In accordance with current City policy, sidewalk is required along both sides of all of the new streets in the subdivision.

Drainage:

The elevations of this site range from 1,106' in the northern portion of the plat to 1092' in the southern portion of the property. The property generally drains to the southwest. Stormwater management will be provided by existing privately constructed detention facilities.

Specific grading and drainage plans will need to be reviewed and approved by the City prior to submittal of a Final Plat application.

Wetlands:

The Soil Survey and National Wetland Indicator maps were reviewed for the presence of wetlands. It does not appear that hydric soils exist on this portion of the property.

Public Utilities:

The static water pressure within the area ranges from 72 to 83 PSI. The water system layout depicted is not the correct construction plans approved for Badger Ridge 4th Subdivision. Final utility plans will need to be approved prior to the submittal of the final plat.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. Spillover parking requirements for the lots were reviewed at the time the performance residential development plan was reviewed.

Parkland Dedication:

No additional parkland dedication is due. Dedication for the area has been met via the deferred dedication as a result of the October 7, 2002 approval of Badger Ridge 4th.

General Development Plan:

The proposed plat is consistent with recently amended GDP for Badger Ridge.

Staff Recommendation:

274

Section 61.225 of the Land Development Manual lists the findings which must be considered by the Planning Commission and the Council when reviewing a land subdivision permit application. This section is attached for your information.

The Planning staff has reviewed this preliminary plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual including Section 61.225 of the LDM. The staff recommends approval with the following conditions/ modifications:

- 1. The cul-de-sac associated with this plan is indicated as less than 96 feet in diameter and shall be posted "No Parking" along the cul-de-sac.**
- 2. The plat shall be labeled as Block 1 instead of Block 2.**
- 3. The final plat documents for Badger Ridge 4th Subdivision must be recorded prior to the recording of the final plat documents for Badger Village Townhomes.**

REMINDER TO APPLICANT:

- Prior to development, the property owner will need to execute a City Owner Contract for construction of the public roadways and utilities.
- This plat is subject to the Subdivision regulations which became effective May 15, 1999. Approved grading, drainage and construction plans and an executed Development Agreement will need to be submitted with the final application if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.

277

CITY OF ROCHESTER
ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL
EXCERPTS

61.225 Findings for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- 1) The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- 2) That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- 3) That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- 4) That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- 5) That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- 6) That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- 7) That the proposed subdivision, if in a residential zoning district, addresses the need for spillover parking consistent with the requirements of Section 63.426.
- 8) That right-of-ways and easements of adequate size and dimension are provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- 9) That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- 10) That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- 11) That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- 12) That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands;

278

- 13) That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
 - 14) That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
 - 15) That any land located within Zone A as shown on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota, prepared by the Federal Emergency Management Agency, is determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.
 - 16) That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or the city or county ordinance.
- 61.226 **Conditions on Approvals:** In considering an application for a development permit to allow a land subdivision, the approving body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.
-

279

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

DATE: 3/12/03

The Department of Public Works has reviewed the application for Preliminary Plat #03-10 for the proposed Badger Village Townhomes development. The following are Public Works comments on this request:

1. Development of this property is subject to the terms of the executed Development Agreement for Badger Ridge.
2. Storm Water Management will be provided by existing privately constructed detention facilities.
3. Pedestrian facilities will be required along the frontages of all public roads within and abutting this development.
4. A City-Owner Contract has previously been executed for the extension of sanitary sewer & watermain from Monroe Dr NW to Badger Village. Execution of a separate City-Owner Contract is required for construction of 31st St NW (including utilities), and the cul-de-sac within this development.
5. Controlled access is required along the entire frontage Superior Dr NW, abutting Lot 37, Block 2.

Development charges and fees applicable to the development of this property have previously been addressed, and paid, through the platting process for Badger Ridge.

280

ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165



M E M O R A N D U M

DATE: February 28, 2003

TO: Jennifer Garness
Planning

RE: Badger Village Townhomes
Preliminary Plat # 03-10

Number of dwelling units.....	37 units
Density factor.....	.0244
Dedication	na
Fair market value of land.....	na

The Park and Recreation Department recommends that dedication requirements be met via: Dedication for this area has been met via deferred dedication as a result of October 7, 2002 approval of Badger Ridge 4th. No additional dedication is due.



281-

March 6, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-10 by Circle 22 Investors, LLC to be known as Badger Village Townhomes.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

1. Static water pressures within this area will range from 72 to 83 PSI.
2. The final construction plans for Badger Ridge Fourth Subdivision, which incorporates this area have been approved. The water system layout depicted in this submittal is incorrect and should not be used.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
Wade Dumond, Yaggy Colby Associates
Circle 22 Investors, LLC

282



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: March 10, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher
Fire Protection Specialist

SUBJ: Land Subdivision Permit (preliminary plat) 03-10 by Circle 22 Investors, LLC to be known as Badger Village Townhomes.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.

Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" along the cul-de-sac. The cul-de-sac associated with this plan is indicated as less than 96 feet and therefore shall be marked "No Parking".

3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division
Circle 22 Investors, LLC – 400 South Broadway, Suite 100 – Rochester, MN 55904
Yaggy Colby Associates – 717 3rd Ave SE – Rochester, MN 55904

Memo

To: Jennifer Garness, Planning Department

From: Kenneth Heppelmann

CC: Circle 22 Investors, LLC
Yaggy Colby Associates
Gary Schick, Plumbing Inspector
Mark Sparks, Electrical Inspector

Date: February 28, 2003

Re: Land Subdivision Permit (Preliminary Plat) #03-10

The above referenced development appears to indicate new construction that is regulated under the Building Code and will require building permits. Complete plans and specifications are required to be submitted for a building permits prior to construction.

The proposed construction appears to consist of attached single-family dwellings (townhomes) on separate lots with property lines between the units. Please verify the following items:

- Separate utility services (i.e. sewer, water, gas, electric, etc.) are required to be provided to each dwelling unit. The utilities are not permitted to encroach onto or through the adjacent lots.
- The fire resistive rating of exterior walls, and projections from such walls, with a fire separation distance of less than three feet is required to comply with IRC Section 302.1.
- The dwelling units are required to be separated with fire resistive rated wall assemblies in accordance with the 2000 IRC, Section 321.2.

Please let me know if you have any questions or concerns.

Thank you

* Land Subdivision Permit (Preliminary Plat) #03-10 to be known as Badger Village Townhomes by Circle 22 Investors, LLC. The Applicant is proposing to re-subdivide Lots 1 & 2, Block 2 Badger Ridge Fourth Subdivision into 37 lots for single family attached dwellings. The Plat also proposes to dedicate one new public roadway. The property is located west of Superior Drive NW, east of Kenosha Drive NW and north of Monroe Drive NW.

Ms. Wiesner handed the gavel to Mr. Quinn for this request.

Mr. Brent Svenby presented the staff report, dated March 19, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that, at the time the staff reports was written, Badger Ridge Fourth was not recorded. However, it has now been recorded. Therefore, recommended condition number 3 could be stricken.

The applicant's representative, Scott Lacey, addressed the Commission. He stated that the applicant agreed with the staff-recommended conditions as revised by Mr. Svenby.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Haeussinger moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-10 to be known as Badger Village Townhomes by Circle 22 Investors, LLC with the staff-recommended conditions (as revised by Mr. Svenby). Mr. Staver seconded the motion. The motion carried 6-0, with Ms. Wiesner abstaining.

CONDITIONS:

1. The cul-de-sac associated with this plan is indicated as less than 96 feet in diameter and shall be posted "No Parking" along the cul-de-sac.
2. The plat shall be labeled as Block 1 instead of Block 2.

Mr. Quinn gave the gavel back to Ms. Wiesner.

~~Land Subdivision Permit (Preliminary Plat) #03-09 to be known as North Park Fourteenth Subdivision by Leslie A. Lurken. The Applicant is proposing to subdivide approximately 11.42 acres of land into 42 lots for single family development and one Outlot. The Plat also proposes to dedicate new public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located west of Hillsboro Drive NW and east of Fairway Drive NW.~~

~~Ms. Wiesner stated that Mr. Ohly would be abstaining from the request.~~

~~Mr. Brent Svenby presented the staff report, dated March 21, 1999, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.~~